

## EXHIBIT B – SUBMITTAL FORM

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### Section 1. Respondent Information

- a. **Name of Respondent:** \_\_\_\_\_
- b. **Principal Place of Business:** \_\_\_\_\_
- c. **Designated Representative:** Identify a designated representative of the respondent who is duly authorized to act on behalf of respondent with respect to this submission, the content thereof, and any associated communications and correspondence with the City of San Antonio:
- Name: \_\_\_\_\_
- Title: \_\_\_\_\_
- Address: \_\_\_\_\_
- Address: \_\_\_\_\_
- Phone: \_\_\_\_\_ Fax: \_\_\_\_\_
- Email: \_\_\_\_\_
- d. **Organizational Information:** Provide information summarizing respondent's organization and its legal structure on not more than ten (10) pages attached to this submittal form and labeled "ATTACHMENT 1: ORGANIZATIONAL INFORMATION". Include in Attachment 1, to the extent reasonably available, information concerning the identity, background, and experience of all directors, all officers at the senior vice president level and above, any controlling shareholders, and in the case of a partnership, all general partners and any limited partner owning more than a 20% interest in respondent. To the extent reasonably available, provide information concerning the nature and locations of business conducted by respondent and its affiliates.

## Section 2. Developer Experience

- a. **Experience Developing Convention Hotels:** Provide a vita describing prior work and demonstrating the capacity, track record, and interest to successfully develop a premier convention headquarters hotel in San Antonio on not more than ten (10) pages attached to this submittal form and labeled “ATTACHMENT 2: EXPERIENCE DEVELOPING CONVENTION HOTELS”. Include in Attachment 2 information concerning each prior project including: (1) detailed description of the project; (2) total project cost; (3) years of development, construction commencement, and construction completion; (4) location; (5) contact person and phone number; (6) method of financing; and (7) role of government entities, if any, participating in the project.

- b. **Potential Hotel Operators:** List the hotel operator(s) that the respondent intends to pursue for this project, should respondent be selected as the preferred developer and enter into agreements with the City for development of the hotel:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

- c. **Experience Developing Innovative Mixed-Use Projects in an Urban Environment:** Provide a vita describing prior work and demonstrating the capacity, track record, and interest to successfully develop innovative mixed-use projects in an urban environment on not more than ten (10) pages attached to this submittal form and labeled “ATTACHMENT 3: EXPERIENCE DEVELOPING MIXED-USE PROJECTS”. Include in Attachment 3 information concerning each prior project including: (1) detailed description of the project; (2) total project cost; (3) years of development, construction commencement, and construction completion; (4) location; (5) contact person and phone number; (6) method of financing; (7) role of government entities, if any, participating in the project; and (8) notable architects and planners with whom the respondent worked on those projects. The projects listed therein may overlap those described for experience in developing convention headquarters hotels. Respondents may submit creative suggestions and/or recommendations for project development in the Supplemental Information section of this submittal.

### Section 3. Financial Information

- a. **Certification of Solvency and Predevelopment Costs:** Provide a letter (Attachment 4) written on company letterhead; dated on or before the date of submission; signed by respondent's Chief Executive Officer, General Partner, Chief Financial Officer or equivalent, or other duly authorized representative; and containing the following:

"By the signature hereon affixed by a duly authorized representative of [entity's name] (Respondent), Respondent hereby affirms, represents, certifies, and acknowledges the following:

"1. An insolvency event with respect to Respondent does not exist, where such an insolvency event includes:

- (a) Respondent's or any of its Subsidiaries' (which "Subsidiaries" include any corporation, partnership, or other entity of which at least a majority of the securities or other ownership interests having by the terms thereof ordinary voting power to elect a majority of the board of directors or other persons performing similar functions of such corporation, partnership, or other entity (irrespective of whether or not at this time securities or other ownership interests of any other class or classes of such corporation, partnership, or other entity shall have or might have voting power by reason of the happening of any contingency) is at this time directly or indirectly owned or controlled by Respondent or one or more Subsidiaries of Respondent)
  - (i) Failure to not generally pay its debts as such debts become due,
  - (ii) Admitting in writing its inability to pay its debts generally, or
  - (iii) Making a general assignment for the benefit of creditors; or
- (b) Any proceeding being instituted by or against Respondent or any of its Subsidiaries
  - (i) Seeking to adjudicate it a bankrupt or insolvent,
  - (ii) Seeking liquidation, winding up, reorganization, arrangement, adjustment, protection, relief, or composition of it or its debts under any law relating to bankruptcy, insolvency, or reorganization or relief of debtors, or
  - (iii) Seeking the entry of an order for relief or the appointment of a receiver, trustee, or other similar official for it or for any substantial part of its property (including any interest in any kind of property or asset, whether real, personal, or mixed, or tangible or intangible) and, in the case of any such proceeding instituted against Respondent or any of its Subsidiaries, either proceeding shall remain undismissed for a period of thirty (30) days or any of the actions sought in such proceeding shall occur; or
- (c) Respondent's or any of its Subsidiaries' taking any corporate action to authorize any of the actions set forth above in this paragraph "1";

REQUEST FOR DEVELOPER QUALIFICATIONS

“2. Respondent understands (a) it is expected to cover predevelopment costs associated with the convention headquarters hotel should Respondent be selected by the City of San Antonio as the preferred developer and enter into definitive agreements for the development of a convention headquarters hotel, and (b) that verification of the availability of capital for predevelopment may be requested; and

“3. This document does not create and is not intended to create a binding and enforceable contract or a duty on the part of the City of San Antonio, Respondent, or any party to negotiate in good faith toward a binding contract, and may not be relied upon by the City, Respondent, or any party as the basis for or evidence of a contract by estoppel or otherwise.

“By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_”

- b. **Contemplated Financing Approach:** Provide a narrative describing which approach(es) to project financing respondent would contemplate pursuing, should respondent be selected as the preferred developer and enter into agreements with the City for development of the hotel, on not more than five (5) pages attached to this submittal form and labeled “ATTACHMENT 5: CONTEMPLATED FINANCING APPROACH”.

#### **Section 4. Public Policy Information**

- a. Small Business Economic Development Advocacy (SBEDA) Policy Experience:** Describe prior work demonstrating the capacity and track record of respondent in complying with policy goals equivalent or similar to the City's SBEDA Policy on not more than five (5) pages attached to this submittal form and labeled "ATTACHMENT 6: SBEDA EXPERIENCE". Include in Attachment 6 information concerning each prior project including: (1) detailed description of the project; (2) discussion of all efforts aimed at utilizing small, minority, African American, and women business enterprises (S/M/AA/WBE); (3) whether and how successful those efforts were in achieving goals (if S/M/AA/WBE goals were not achieved please give explanation); (4) location and date; and (5) contact person and phone number. The projects listed therein may overlap those described in other attachments.
- b. Potential S/M/AA/WBE Involvement in Project:** Provide a narrative about how respondent could involve S/M/AA/WBE firms and local businesses in all aspects of the San Antonio convention headquarters hotel project, including but not limited to financing, investment, design, engineering, construction, and other consulting on not more than five (5) pages attached to this submittal form and labeled "ATTACHMENT 7: POTENTIAL S/M/AA/WBE/LOCAL INVOLVEMENT".

**Section 5. Affirmations and Acknowledgements**

Provide a letter (Attachment 8) written on company letterhead, dated on or before the date of submission, signed by respondent’s Chief Executive Officer or General Partner or other duly authorized representative, and containing the following:

“By the signature hereon affixed by a duly authorized representative of [entity’s name] (Respondent), Respondent hereby affirms, represents, certifies, and acknowledges the following:

- “1. The information contained in this submittal is true and correct to the best of Respondent’s knowledge and belief. Should this submittal contain false or misleading information, the City has the right to void the submittal in its entirety and immediately remove Respondent from any further consideration.
- “2. If selected as the preferred developer, Respondent intends to work with the City, hotel owner, and hotel operator to reach an agreement that meets City’s room blocking goals.
- “3. If selected as the preferred developer, Respondent intends to work with the City and the hotel operator to achieve a living wage for the hotel’s employees.
- “4. If selected as the preferred developer, Respondent intends to comply with the City’s Small Business Economic Development Advocacy (SBEDA) Policy.
- “5. Respondent and employees, agents, consultants, subconsultants, contractors, subcontractors, and advisors acting for or on behalf of Respondent have not given, offered to give, nor intend to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, service, or anything of monetary value to any City official, City employee, other City servant, and agent, consultant, subconsultant, contractor, subcontractor, and advisor acting for or on behalf of the City for the purpose of influencing consideration of this submittal.
- “6. Respondent has read and understands the *Conditions, Disclaimers, and Disclosures* section of the *Request for Developer Qualifications*.
- “7. This document does not create and is not intended to create a binding and enforceable contract or a duty on the part of the City of San Antonio, Respondent, or any party to negotiate in good faith toward a binding contract, and may not be relied upon by the City, Respondent, or any party as the basis for or evidence of a contract by estoppel or otherwise.

“ By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_ ”